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09/825,451	04/02/2001	Arthur Francis Champernowne	EXIN117029	1798

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EXAMINER	
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ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/825,451	CHAMPERNOWNE, ARTHUR FRANCIS
	Examiner	**Art Unit**
	JANICE A. MOONEYHAM	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-18,20-30 and 32-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-18,20-30 and 32-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the applicant's communication filed on October 31, 2007, wherein:

Claims 1-6, 8-18, 20-30 and 32-36 are currently pending;

Claims 1, 13, and 25 have been amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-18, 20-30, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al. (US Patent No. 6,295,521) (hereinafter referred to a DeMarcken) in view of Keller et al (US 6,304,850) (hereinafter referred to

as Keller) and further in view of Webber et al (US 5,021,953) (hereinafter referred to as Webber).

Referring to Claims 1 and 25:

DeMarcken discloses a method and system for finding at least one best fare for a trip, comprising:

a system wherein a scheduler process (16) provides itineraries to a faring process (18) which produces a set of pricing solutions (38), and then an availability system (58) uses airline inventory database (20b) as a filter to remove from the set of pricing solutions those solutions for which seats are not available (col. 5, lines 1-12);

at the query server computer, in response to a fare query received from the client application (col. 1, lines 48-56, col. 3, line 55 thru col. 4, line 41, Figs. 2-3, 18, 19)

determining a set of partial fare solutions for the trip (Figs 1-18, col. 51 – Finding the Best Price, see line 26-29 – (partial) pricing solutions, col. 55, lines 51-56);

adding trip information to the partial fare solutions in order to define a set of complete fare solutions for the trip (Figs.19-27, col. 4, lines 43-51, col. 5, lines 1-4, see also, col. 49, lines 30-44, col. 51, lines 35-55, Fig. 3);

as trip information is added to the partial fare solutions, eliminating partial fare solutions that are non-optimal partial solutions, wherein the partial fare solutions are eliminated on a cost/priceable unit determined, at least in part, according to the travel time of the partial fare solution (col. 5, lines 4-6- see also, col. 49, line 30 thru col. 50, line 39, Fig. 19, col. 2, lines 27-37, col. 53, line 25 thru col. 54, line 34, col. 55, lines 48-62 and (optimal travel times, times and dates (col. 4, lines 1-3 and 48-51) priceable unit

restrictions wherein the minimum and maximum stay are priceable unit based, wherein a minimum stay requirement for a round-trip fare, for example constrains the combination of outbound and returning flights (col. 18, lines, 33-43).

Applicant has amended the claims to include the limitation of:

determining whether a predetermined number of complete fare solutions have been found and repeatedly increasing the threshold cost and carrying out the above recited steps of determining, adding, and eliminating using the increased threshold cost until the predetermine number of complete fare solutions has been found.

Applicant's specification discloses:

> [0064] During one exemplary operation of best fare processing (described in much greater detail below with reference to FIGS. 6-12) partial solutions (solution tree nodes) are partitioned (as can be seen in the branched nodes in FIG. 15) according to **an arbitrary threshold cost**. In one exemplary embodiment the threshold cost starts at $100 and one hour, but **any other amount could be used so long as it bares some relation to expected travel costs**, possibly as determined by the MCM 465. Each partial solution is evaluated using the MCM 465 to determine if it could feasibly provide a complete solution below the threshold cost. If it could, then further information is added (e.g., the current node is partitioned and nodes at a new level are added) and those new partial solutions are evaluated in turn. If not, then the partial solution is not processed (e.g., it is deferred such as in node 1590), and processing continues until enough complete solutions are found or the processing times out. If enough complete solutions have not been found, time is left, and some partial solutions have not been evaluated, **the threshold cost is increased** and the unevaluated nodes are revisited with the higher threshold. In one exemplary embodiment **the threshold cost increases by $50 and half an hour**, but any other amount could be used so long as it bares some relation to expected travel costs, possible as determined by the MCM 465. This continues until enough complete solutions (e.g., enough leaf nodes, which could be any predesignated number, the exemplary Web pages of FIGS. 17A-C provide two sets of three flights, giving a total of nine possible complete solutions) have been found, the solutions are exhausted, or the process times out. At which point, any complete solutions (up to an arbitrary number) are presented to the user

(usually with the most optimal solutions presented first).

DeMarcken discloses a process including a manipulation process that manipulates the set of pricing solutions in the form of the directed acyclic graph representation in response to user preferences, the manipulation process including a pruning process responsive to user preferences that alters the directed acyclic graph representation in such a manner so as to eliminate undesirable pricing solutions (col. 2, lines 27-37). Demarken does not disclose that the partial fare solutions are eliminated based on threshold cost or ***increasing the threshold cost and carrying out the above recited steps of determining, adding, and eliminating using the increased threshold cost until the predetermine number of complete fare solutions has been found.***

However, Keller discloses a method and apparatus for purchasing an airline ticket including entering into the computer information describing a flight desired by a consumer, including a target price (considered to by Examiner to be a threshold cost) and determining whether a flight found during the search has a fare that is at least equal to the target price (Figure 1 (103), Figure 4 (402) and Figure 6 (604) col. 1, line 66 thru col. 2, lines 27). Keller further discloses that is known that a consumer can specify a price at which she is willing to purchase an airline ticket for travel (col. 1, lines 30-47). Keller further discloses that user also enters the dates of departure and return or that the user may indicate her plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates and whether the flexibility is with respect to the date or departure or date of return and the number of days either

before or after (col. 3, lines 13-30). Keller discloses that the BFP allows a user or a robotic agent to perform the search taking into account times of day (col. 4, lines 18-21) (Figure 3C (3207). (The Examiner interprets this as threshold price, determined at least in part according to travel time).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel planning method and system of DeMarcken the ability to determine if a fare is at least equal to or below the target price as taught in Keller so that customers are able to purchase airline travel tickets at the best possible price and allow the customer to set their own price for airline travel.

Furthermore, the Examiner asserts that eliminating fares based on a threshold cost is old and well known practice in the field of airline reservations as shown in WO 00/13124 (a determination is then made as to whether price information associated with each item in the set substantially satisfies the target price (abstract and page 3 lines 3-11) and E-booking Takes Off (page 3 After you select a destination and maximum fare, a map appears showing the fares on the major routes that fall below your target fare).

Applicant's admitted prior art discloses finding the least costly routes includes time and price ([0007] *the price of a particular generic segment from point A to point B may vary considerably across **time**, airline carriers, and the like* [0011] Additionally, it is well known in the art to search for fares by examining fares for routes that pass through a small set of connection points between an origin and a destination. Then by explicitly enumerating all the possible combinations of routs between the origin, connection points and destination, *it is possible to find the least costly (in both **time** and price)*

route(s)) [0054] *The combination may be weighted to provide price or total time as more important. It will be appreciated by those of ordinary skill in the art that any number of weighting or ranking schemes may be used to* ***determine a cost using price and travel time*** *(possibly including or excluding lay-over time).*

Furthermore, Keller discloses when the itineraries are returned and compared with the customer's target price, the customer is notified and a search can be performed again (Figure 6 (603-608)). Therefore, it is common sense that if a person wanted to go from point A to point B and the first target price retrieved no results, the next thing to do would either make the travel dates flexible, the travel times flexible, or the target price.

Therefore, the Examiner asserts that one of ordinary skill in the art would incorporate into the travel planning system of DeMarcken and Keller the ability to increase the target price so that travel plans can be successfully completed.

Webber discloses trade-offs between ticket price and trip timing (col. 2, lines 48-49). Webber further discloses that each policy sets forth rules which define the trade-offs between cost and the traveler's time and convenience and personal travel preferences as well and that the system reformats the rules such that they can be used fully automatically by the invented process to find one or more of the best itineraries for a trip request which both have the lowest valid fares according to these rules and meet a policy as to the trade-off between fare and convenience (col. 3, lines 46-49, col. 4, line 64 thru col. 4, line 3). Webber discloses that if no itineraries were found in the desired time window for the trip request being processed, the test at step 134 checks if the time window is as wide as possible and if it is, the process ends because it was not possible

to find a satisfactory itinerary given the constraints of the trip being processed (another trip request can be started as in Figure 3, with different parameters) (col. 10, lines 46-50). Webber discloses a set of trip parameter trade-offs between cost and convenience and a set of parameters pertaining to elimination of itinerary with fare combinations which are more expensive and/or less convenient by a specified factor compared with the itinerary that provides an optimized combination of low cost and convenience (col. 20, lines 48-56). The Examiner asserts that Webber teaches increases in fare combinations (target price) as a trade-off.

it would have been obvious to one of ordinary skill in the art at the time of the invention to include an increase in the target price as a trade-off as taught by Webber into the steps of determining adding and eliminating disclosed in DeMarcken so as not to take up the valuable time of the travel arranger when making reservations by taking into account individual preferences as to trade-offs between price and time and thus providing the best itineraries which are the least cost having available seats and fares and meet the constraints of the individual travel policy of the customer being serviced.

Moreover, the Examiner asserts that the claim would have been obvious because a person of ordinary skill has good reasons to pursue the known options within his or her technical grasp. Webber discloses trade-offs between price and time. The number of predicable trade-offs as to price are an increase in price or a decrease in price. Thus, it would have been obvious to a person of ordinary skill in the art to increase the target price to return fare solutions as the best price when the original target price did not return the predetermined number, especially if the customer has

provided price and time trade-offs, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasps.

Referring to Claim 13:

DeMarcken discloses a medium and method for finding at least one best fare for a trip, comprising:

determining a set of partial fare solutions for the trip (Figs 1-18, col. 51 – Finding the Best Price, see line 26-29 – (partial) pricing solutions, col. 55, lines 51-56);

adding trip information to the partial fare solutions in order to define a set of complete fare solutions for the trip (Figs.19-27, col. 4, lines 43-51, col. 5, lines 1-4, see also, col. 49, lines 30-44, col. 51, lines 35-55, Fig. 3);

as trip information is added to the partial fare solutions, eliminating partial fare solutions that are non-optimal partial solutions, wherein said partial fare solutions are eliminated based on a cost/priceable unit, at least in part, according to the travel time of said partial fare solution (col. 5, lines 4-6- see also, col. 49, line 30 thru col. 50, line 39, Fig. 19, col. 2, lines 27-37, col. 53, line 25 thru col. 54, line 34, col. 55, lines 48-62) and (optimal travel times, times and dates (col. 4, lines 1-3 and 48-51) priceable unit restrictions wherein the minimum and maximum stay are priceable unit based, wherein a minimum stay requirement for a round-trip fare, for example constrains the combination of outbound and returning flights (col. 18, lines, 33-43);

determining whether a predetermined number of complete fare solutions have been found (col. 3, lines 45-48) repeating the steps (col. 3, lines 61-63; col. 6, lines 55-67); and

returning a subset of said complete fare solutions as the best fares for the trip (Fig. 19, col. 1, line 46 thru col. 2, line 51, col. 49, lines 30-59, col. 51- Finding the Best Pricing Solution, col. 55 47-62);

eliminating partial fare solutions according to travel time of the partial fare solutions (optimal travel times, times and dates (col. 4, lines 1-3 and 48-51) priceable unit restrictions wherein the minimum and maximum stay are priceable unit based, wherein a minimum stay requirement for a round-trip fare, for example constrains the combination of outbound and returning flights (col. 18, lines, 33-43).

DeMarcken further discloses a process including a manipulation process that manipulates the set of pricing solutions in the form of the directed acyclic graph representation in response to user preferences, the manipulation process including a pruning process responsive to user preferences that alters the directed acyclic graph representation in such a manner so as to eliminate undesirable pricing solutions (col. 2, lines 27-37). Demarken does not disclose that the partial fare solutions are eliminated based on threshold cost or ***increasing the threshold cost and carrying out the above recited steps of determining, adding, and eliminating using the increased threshold cost until the predetermine number of complete fare solutions has been found.***

However, Keller discloses a method and apparatus for purchasing an airline ticket including entering into the computer information describing a flight desired by a consumer, including a target price (considered to by Examiner to be a threshold cost) and determining whether a flight found during the search has a fare that is at least equal

to the target price (Figure 1 (103), Figure 4 (402) and Figure 6 (604) col. 1, line 66 thru col. 2, lines 27). Keller further discloses that is known that a consumer can specify a price at which she is willing to purchase an airline ticket for travel (col. 1, lines 30-47). Keller further discloses that user also enters the dates of departure and return or that the user may indicate her plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates and whether the flexibility is with respect to the date or departure or date of return and the number of days either before or after (col. 3, lines 13-30). Keller discloses that the BFP allows a user or a robotic agent to perform the search taking into account times of day (col. 4, lines 18-21) (Figure 3C (3207). (The Examiner interprets this as threshold price, determined at least in part according to travel time).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel planning method and system of DeMarcken the ability to determine if a fare is at least equal to or below the target price as taught in Keller so that customers are able to purchase airline travel tickets at the best possible price and allow the customer to set their own price for airline travel.

Furthermore, the Examiner asserts that eliminating fares based on a threshold cost is old and well known practice in the field of airline reservations as shown in WO 00/13124 (a determination is then made as to whether price information associated with each item in the set substantially satisfies the target price (abstract and page 3 lines 3-11) and E-booking Takes Off (page 3 After you select a destination and maximum fare, a map appears showing the fares on the major routes that fall below your target fare).

Applicant's admitted prior art discloses finding the least costly routes includes time and price ([0007] *the price of a particular generic segment from point A to point B may vary considerably across **time**, airline carriers, and the like* [0011] Additionally, it is well known in the art to search for fares by examining fares for routes that pass through a small set of connection points between an origin and a destination. Then by explicitly enumerating all the possible combinations of routs between the origin, connection points and destination, *it is possible to find the least costly (in both **time** and price) route(s))* [0054] *The combination may be weighted to provide price or total time as more important. It will be appreciated by those of ordinary skill in the art that any number of weighting or ranking schemes may be used to **determine a cost using price and travel time** (possibly including or excluding lay-over time)*.

Furthermore, Keller discloses when the itineraries are returned and compared with the customer's target price, the customer is notified and a search can be performed again (Figure 6 (603-608)). Therefore, it is common sense that if a person wanted to go from point A to point B and the first target price retrieved no results, the next thing to do would either make the travel dates flexible, the travel times flexible, or the target price.

Therefore, the Examiner asserts that one of ordinary skill in the art would incorporate into the travel planning system of DeMarcken and Keller the ability to increase the target price so that travel plans can be successfully completed.

Webber discloses trade-offs between ticket price and trip timing (col. 2, lines 48-49). Webber further discloses that each policy sets forth rules which define the trade-offs between cost and the traveler's time and convenience and personal travel

preferences as well and that the system reformats the rules such that they can be used fully automatically by the invented process to find one or more of the best itineraries for a trip request which both have the lowest valid fares according to these rules and meet a policy as to the trade-off between fare and convenience (col. 3, lines 46-49, col. 4, line 64 thru col. 4, line 3). Webber discloses that if no itineraries were found in the desired time window for the trip request being processed, the test at step 134 checks if the time window is as wide as possible and if it is, the process ends because it was not possible to find a satisfactory itinerary given the constraints of the trip being processed (another trip request can be started as in Figure 3, with different parameters) (col. 10, lines 46-50). Webber discloses a set of trip parameter trade-offs between cost and convenience and a set of parameters pertaining to elimination of itinerary with fare combinations which are more expensive and/or less convenient by a specified factor compared with the itinerary that provides an optimized combination of low cost and convenience (col. 20, lines 48-56). The Examiner asserts that Webber teaches increases in fare combinations (target price) as a trade-off.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an increase in the target price as a trade-off as taught by Webber into the steps of determining, adding, and eliminating disclosed in DeMarcken so as not to take up the valuable time of the travel arranger when making reservations by taking into account individual preferences as to trade-offs between price and time and thus providing the best itineraries which are the least costly having available seats

and fares and meet the constraints of the individual travel policy of the customer being serviced.

Moreover, the Examiner asserts that the claim would have been obvious because a person of ordinary skill has good reasons to pursue the known options within his or her technical grasp. Webber discloses trade-offs between price and time. The number of predicable trade-offs as to price are an increase in price or a decrease in price. Thus, it would have been obvious to a person of ordinary skill in the art to increase the target price to return fare solutions as the best price when the original target price did not return the predetermined number, especially if the customer has provided price and time trade-offs, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasps.

Referring to Claims 3, 15, and 27:

DeMarcken discloses the method and system of claims 1, 13 and 25, wherein said subset of complete fare solutions is a predetermined number of lowest cost fare solutions (col. 2, lines 31-37, col. 4, lines 30-41, col. 5, lines 18-20 (solutions are arranged according to price) col. 6, lines 16-19, see also col. 28, line 60 thru col. 29, line 3, col. 29,.lines 63-67- deferred rules, Fig. 4B, Fig. 19, it can be inferred that a subset can have a predetermined number of lowest cost fare solutions, col. 49, lines 30-59, col. 51, lines 3-55, col. 52- Finding Minimum Value) (see page 5 of Board decision).

Referring to Claims 9, 10, 21, 22, 33, and 34:

DeMarcken discloses the method and system of claims 1, 13 and 25 wherein said partial fare solutions are stored in a priority queue, said complete fare solutions are retrieved from a priority queue (cols. 55-61–Enumerating Pricing Solutions).

Referring to Claims 4, 16 and 28:

Demarcken discloses wherein said subset of complete fare solutions is an exhaustive set of said complete fare solutions (pricing solutions provided by DeMarcken to the consumer include all of the partial fare solutions for which seats are available (col. 5, lines 18-20). As set forth in the Board decision dated June 21, 2006, the subset of the partial fare solutions is an exhaustive set of the complete fare solutions, i.e., the pricing solutions (page 7 of Board decision).

Referring to Claims 5, 17, and 29:

DeMarcken discloses wherein adding trip information and eliminating partial fare solutions are performed in a recursive manner (Recursive means "of, relating to, or constituting a procedure that can repeat itself indefinitely or until a specified condition is met." DeMarcken discloses an availability system that uses the airline inventory database (20b) as a filter until each pricing solution for which seats are unavailable has been removed (col. 5, lines 10-13). Thus, the process is repeated until a specified condition is met, i.e., all the pricing solutions for which seats are unavailable have been remover, therefore performing the process in a recursive manner (see page 7 of Board decision).

Referring to Claims 6, 18, and 30:

DeMarcken discloses wherein adding trip information and eliminating partial fare solutions are performed in an iterative manner (col. 5, lines 10-13 – process of removing pricing solutions for seats that are unavailable, the desired result of removing pricing solutions for which seats are unavailable is approximated more and more closely (Iterative meaning relating or being a computational procedure in which replication of a cycle of operations produces results which approximate the desired result more and more closely- see pages 7-8 of Board decision).

Referring to Claims 8, 20, and 32:

DeMarcken discloses wherein said partial fare solutions are eliminated based on a refined lower bound (availability of at least one seat – see Board decision pages 7-9).

Referring to Claims 11, 23, and 35:

DeMarcken discloses wherein adding trip information and eliminating partial fare solutions are performed as part of a branch-and-bound best fare search routine (Figures 3A-3B, col. 1, lines 57-65, col. 2,lines 17-51)

Referring to Claims 12, 24, and 26:

DeMarcken discloses wherein adding trip information and eliminating partial fare solutions are performed both backward and forward from a destination and origin (col. 1, lines 48-65 (travel request information would include destination and origin; col. 2, lines 17-51).

Referring to Claim 2, 14, and 26:

DeMarcken discloses the method and system of claims I, 13, and 25, wherein adding trip information comprises:

supplying a fare query to a root node in a solution tree (col. 1, lines 46-65, col. 7, lines 16-18, Figs. 2 (48), 3, 3A, 3B, see also, col. 5, lines 36-45);

assigning fare components corresponding to said root node to a plurality of nodes (Figs. 2 - faring process (18), 3, 3A, 3B, , col. 1, line 46-65, col. 2, lines 38-51, col. 15, lines 55-66 Fig. 3A);

assigning at least one carrier corresponding to said nodes to a plurality of nodes (Fig. 3A (UA (United Airline, NW (North West), Fig. 6, (114);

assigning at least one flight corresponding to said nodes to a plurality of nodes (Fig. 3, US Bos –LAX Rt QE7NR, Bos-San UAA515), Fig. 2, scheduler processor (16), col. 3, lines 55-66, see also, col. 14, lines 1-6);

assigning at least one priceable unit corresponding to said nodes to a plurality of nodes (pricing solution, col. 3, lines 55-66); and

assigning at least one fare corresponding to said nodes to a plurality of leaf nodes (Fig.3A, 3B, Fig. 4A (fares or each faring atom, Col. 10 – The Faring System-Fig. 19).

DeMarcken does not disclose assigning the fare components to a plurality of first nodes, at least one carrier to a plurality of second nodes, at least one flight corresponding to a plurality of third nodes, assigning at least one pricable unit to a

plurality of fourth nodes, and assigning at least one fare corresponding to a plurality of leaf nodes.

However, Demarcken discloses a data structure comprising a plurality of nodes that can be logically manipulated using value functions and a graph that contains nodes that can be logically manipulated or combined to extract a plurality of pricing solutions. (col. 2, lines 38-51).

It would have been obvious to ordinary skill in the art to arrange DeMarcken's method and system to include the assignment of nodes as set forth in Claim 2, 14, 26 since DeMarcken 's system and method discloses a data structure comprising a plurality of nodes which can be logically manipulated or combined and this would include assigning the nodes as set forth Claims 2, 14, and 26.

Response to Arguments

Applicant's arguments filed October 31, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the DeMarcken and Keller references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As for applicant's arguments with respect to the newly added limitations, these arguments have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANICE A. MOONEYHAM whose telephone number is (571)272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAN MOONEYHAM
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600